

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
TYRONE PAYTON : **VIOLATION:**
a/k/a "Amin" : **18 U.S.C. §§ 1343 & 1349**
: **(wire fraud - 2 counts)**
: **18 U.S.C. § 1028(a)(7)**
: **(identity theft involving interstate**
commerce - 3 counts)
: **18 U.S.C. § 1028A(a)(1)**
: **(aggravated identity theft - 2 counts)**
: **18 U.S.C. § 2**
: **(aiding and abetting)**
: **Notice of forfeiture**

INDICTMENT

COUNTS ONE AND TWO

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Macy's and Circuit City were retail stores, with locations in the Eastern District of Pennsylvania and elsewhere, involved in the sale of goods in interstate commerce that provided instant credit to applicants whose credit met certain standards.

2. Macy's Stores

a. Macy's extended instant credit to its customers through their membership with Department Stores National Bank and Citibank.

b. The instant credit processing center for Department Stores National Bank / Citibank credit cards issued for Macy's stores was located in Raleigh, North Carolina.

c. In processing instant credit applications, each Macy's store forwarded the personal information of the applicant shopper to the financial institution at its instant credit processing center via wire in interstate commerce. The financial institution then wired a response to the store via wire in interstate commerce, either denying instant credit or approving instant credit and setting a credit limit.

3. Circuit City Stores

a. J.P. Morgan Chase Bank ("Chase") was the financial institution that provided credit cards and instant credit on behalf of Circuit City stores.

b. The instant credit processing center for Chase's credit cards issued for Circuit City stores was located in Kennesaw, Georgia.

c. In processing instant credit applications, each Circuit City store forwarded the personal information of the applicant shopper to the financial institution at its instant credit processing center via wire in interstate commerce. The financial institution then wired a response to the store via wire in interstate commerce, either denying instant credit or approving instant credit and setting a credit limit.

THE SCHEME

4. In or about February 2007, defendant

**TYRONE PAYTON,
a/k/a "Amin"**

devised and intended to devise a scheme to defraud retail stores, and to obtain property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

5. Defendant **TYRONE PAYTON** obtained stolen identity information and used that information to obtain credit cards and identity documents which he passed to others to obtain credit and buy merchandise.

6. Defendant **TYRONE PAYTON** obtained stolen personal identification information, that is, the name, address, date of birth, social security number, driver's license number, and other personal identification information of T.R. T.R. did not give defendant **TYRONE PAYTON** permission to use his personal identification information.

7. Defendant **TYRONE PAYTON** recruited another person to act as a "shopper," to go to stores and pretend to be T.R.

8. Defendant **TYRONE PAYTON** obtained a photograph of the shopper and used the photograph to create a Pennsylvania Driver's License. This means of identification contained the name of T.R. and the photograph of the shopper.

9. Defendant **TYRONE PAYTON** then gave the fraudulent identification to the shopper with instructions on where to shop and what to purchase. Defendant **TYRONE PAYTON** accompanied the shopper for these purchases, but required the shopper to conduct the transactions.

10. Defendant **TYRONE PAYTON's** shopper used the fraudulent identification provided by defendant **TYRONE PAYTON** to apply for instant credit at Macy's and Circuit City. The shopper applied for credit by pretending to be the person named on the identification card. The shopper provided this information to store clerks, who then wired the

information to credit-approval centers located outside of Pennsylvania.

11. After credit approval was obtained and a credit limit was established, all done in the name of the identity theft victim, defendant **TYRONE PAYTON** made purchases at the stores through the shopper.

12. Defendant **TYRONE PAYTON** paid his shopper a fee based upon how much they were able to purchase.

13. On the dates specified below, in the Eastern District of Pennsylvania and elsewhere, defendant

**TYRONE PAYTON,
a/k/a "Amin,"**

for the purpose of executing the scheme described above, and attempting to do so, and aiding and abetting its execution, caused to be transmitted by means of wire communication in interstate commerce signals and sounds, that is, wire communications from stores to instant credit processing centers, containing fraudulent representations about the identity of the instant credit applicant, and wire communications from the instant credit processing centers to the stores, containing approvals of instant credit and a credit limit, as more fully described below:

Count	Date	Identity Theft Victim	Store / Location Sending Wire Transmission	Credit Processing Center Location Receiving Wire Transmission	Approximate Value of Property Fraudulently Obtained or Attempted to Fraudulently Obtain
1	2-12-07	T.R.	Macy's, Philadelphia, PA	Raleigh, North Carolina	\$2,557
2	2-13-07	T.R.	Circuit City, Philadelphia, PA	Kennesaw, Georgia	\$5,480

All in violation of Title 18, United States Code, Sections 1343, 1349, and 2.

COUNTS THREE THROUGH FIVE

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2007, in the Eastern District of Pennsylvania, and elsewhere,
defendant

**TYRONE PAYTON,
a/k/a "Amin,"**

knowingly and without lawful authority used, and aided and abetted and willfully caused the use of, a means of identification of another person with the intent to commit, and to aid and abet, a violation of federal law, that is, wire fraud in violation of Title 18, United States Code, Section 1343, by fraudulently opening store credit card accounts in the name of T.R, as listed below, to obtain, and attempt to obtain, merchandise and other things of value aggregating \$1,000 or more during a one year period, and thereby affecting interstate commerce:

Count	Date	Store Location	Approximate Value of Property Fraudulently Obtained or Attempted to Fraudulently Obtain
3	2-12-07	Macy's, Philadelphia, PA	\$1,131
4	2-13-07	Macy's, Philadelphia, PA	\$1,425
5	2-13-07	Circuit City, Philadelphia, PA	\$5,480

All in violation of Title 18, United States Code, Sections 1028(a)(7), (b)(1)(D),
(c)(3)(A), and 2.

COUNTS SIX AND SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

In or about February 2007, in the Eastern District of Pennsylvania, and elsewhere,
defendant

**TYRONE PAYTON,
a/k/a "Amin,"**

knowingly and without lawful authority possessed and used, and aided and abetted, and willfully caused the possession and use of, a means of identification of another person, that is, the name, date of birth, address and driver's license number of T.R., during and in relation to a wire fraud:

Count	Date	Identity Theft Victim	Store Location	Approximate Value of Property Fraudulently Obtained or Attempted to Fraudulently Obtain
6	2-12-07	T.R.	Macy's, Philadelphia, PA	\$2,557
7	2-13-07	T.R.	Circuit City, Philadelphia, PA	\$5,480

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5),
and 2.

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Sections 1343 and 1028(a)(7), set forth in this indictment, defendant

**TYRONE PAYTON,
a/k/a "Amin",**

shall forfeit to the United States of America any property constituting, and derived from, proceeds the defendants obtained directly and indirectly as the result of the violations as charged in this indictment, including, but not limited to \$8,037.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title18, United States Code, Section 982(a)(2).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney